

REGISTER OF ACTIONS**CASE NO. CV15-1006****Patricia Sewell vs. Tharon Douglas Cowell and Zoellner Construction Co., Inc.**§
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§Case Type: **Injury/Damage - Motor Vehicle**Date Filed: **08/19/2015**Location: **415th District Court****PARTY INFORMATION**

Defendant	COWELL, THARON DOUGLAS	Attorneys Dana L. Ryan <i>Retained</i> 214-570-6300(W)
Defendant	ZOELLNER CONSTRUCTION CO., INC.	Dana L. Ryan <i>Retained</i> 214-570-6300(W)
Plaintiff	SEWELL, PATRICIA	DOUGLAS R HAFER <i>Retained</i> 817-548-1000(W)

EVENTS & ORDERS OF THE COURT

	OTHER EVENTS AND HEARINGS		
08/19/2015	Case Filed (OCA)		
08/19/2015	Plaintiff's Original Petition		
08/19/2015	Citation		
	ZOELLNER CONSTRUCTION CO., INC.	Served	08/28/2015
	COWELL, THARON DOUGLAS	Served	08/25/2015
09/10/2015	Original Answer		
09/10/2015	Jury Fee Paid		

FINANCIAL INFORMATION

	Defendant ZOELLNER CONSTRUCTION CO., INC.		
	Total Financial Assessment		30.00
	Total Payments and Credits		30.00
	Balance Due as of 09/16/2015		0.00
09/10/2015	Transaction Assessment		30.00
09/10/2015	E-File Payment	Receipt # 2015-05848	ZOELLNER CONSTRUCTION CO., INC. (30.00)
	Plaintiff SEWELL, PATRICIA		
	Total Financial Assessment		273.00
	Total Payments and Credits		273.00
	Balance Due as of 09/16/2015		0.00
08/19/2015	Transaction Assessment		273.00
08/19/2015	E-File Payment	Receipt # 2015-05537	SEWELL, PATRICIA (273.00)

Filed: 8/19/2015 1:54:53 PM

Sharena Gilliland

District Clerk

Parker County, Texas

CAUSE NUMBER (FOR CLERK USE ONLY):

Parker County - 415th District Court

COURT (FOR CLERK USE ONLY):

STYLED PATRICIA SEWELL V. THARON DOUGLAS COWELL AND ZOELLNER CONSTRUCTION CO., INC.

(e.g., John Smith v. All American Insurance Co; In re Mary Ann Jones; In the Matter of the Estate of George Jackson)

A civil case information sheet must be completed and submitted when an original petition or application is filed to initiate a new civil, family law, probate, or mental health case or when a post-judgment petition for modification or motion for enforcement is filed in a family law case. The information should be the best available at the time of filing.

1. Contact information for person completing case information sheet: Name: <u>Douglas R. Hafer</u> Email: <u>DHafer@CurnuttHafer.com</u> Address: <u>101 East Park Row</u> Telephone: <u>(817) 548-1000</u> City/State/Zip: <u>Arlington, TX 76010</u> Fax: <u>(817) 548-1070</u> Signature: <u>/s/Douglas R. Hafer</u> State Bar No: <u>00787614</u>		Names of parties in case: Plaintiff(s)/Petitioner(s): <u>Patricia Sewell</u> Defendant(s)/Respondent(s): <u>Tharon Douglas Cowell</u> <u>Zoellner Construction Co., Inc.</u> (Attach additional page as necessary to list all parties)		Person or entity completing sheet is: <input checked="" type="checkbox"/> X - Attorney for Plaintiff/Petitioner <input type="checkbox"/> Pro Se Plaintiff/Petitioner <input type="checkbox"/> Title IV-D Agency <input type="checkbox"/> Other: _____					
2. Indicate case type, or identify the most important issue in the case (select only 1):									
Civil			Family Law						
Contract <input type="checkbox"/> Debt/Contract <input type="checkbox"/> Consumer/DTPA <input type="checkbox"/> Debt/Contract <input type="checkbox"/> Fraud/Misrepresentation <input type="checkbox"/> Other Debt/Contract: Foreclosure <input type="checkbox"/> Home Equity—Expedited <input type="checkbox"/> Other Foreclosure <input type="checkbox"/> Franchise <input type="checkbox"/> Insurance <input type="checkbox"/> Landlord/Tenant <input type="checkbox"/> Non-Competition <input type="checkbox"/> Partnership <input type="checkbox"/> Other Contract:		Injury or Damage <input type="checkbox"/> Assault/Battery <input type="checkbox"/> Construction <input type="checkbox"/> Defamation Malpractice <input type="checkbox"/> Accounting <input type="checkbox"/> Legal <input type="checkbox"/> Medical <input type="checkbox"/> Other Professional Liability: <input checked="" type="checkbox"/> X - Motor Vehicle Accident <input type="checkbox"/> Premises Product Liability <input type="checkbox"/> Asbestos/Silica <input type="checkbox"/> Other Product Liability List Product: <input type="checkbox"/> Other Injury or Damage:		Real Property <input type="checkbox"/> Eminent Domain/ Condemnation <input type="checkbox"/> Partition <input type="checkbox"/> Quiet Title <input type="checkbox"/> Trespass to Try Title <input type="checkbox"/> Other Property: Related to Criminal Matters <input type="checkbox"/> Expunction <input type="checkbox"/> Judgment Nisi <input type="checkbox"/> Non-Disclosure <input type="checkbox"/> Seizure/Forfeiture <input type="checkbox"/> Writ of Habeas Corpus— Pre-indictment <input type="checkbox"/> Other:		Marriage Relationship <input type="checkbox"/> Annulment <input type="checkbox"/> Declare Marriage Void Divorce <input type="checkbox"/> With Children <input type="checkbox"/> No Children Other Family Law <input type="checkbox"/> Enforce Foreign Judgment <input type="checkbox"/> Habeas Corpus <input type="checkbox"/> Name Change <input type="checkbox"/> Protective Order <input type="checkbox"/> Removal of Disabilities of Minority <input type="checkbox"/> Other:		Post-judgment Actions (non-Title IV-D) <input type="checkbox"/> Enforcement <input type="checkbox"/> Modification—Custody <input type="checkbox"/> Modification—Other Title IV-D <input type="checkbox"/> Enforcement/Modification <input type="checkbox"/> Paternity <input type="checkbox"/> Reciprocity (UIFSA) <input type="checkbox"/> Support Order Parent-Child Relationship <input type="checkbox"/> Adoption/Adoption with Termination <input type="checkbox"/> Child Protection <input type="checkbox"/> Child Support <input type="checkbox"/> Custody or Visitation <input type="checkbox"/> Gestational Parenting <input type="checkbox"/> Grandparent Access <input type="checkbox"/> Parentage/Paternity <input type="checkbox"/> Termination of Parental Rights <input type="checkbox"/> Other Parent-Child:	
Employment <input type="checkbox"/> Discrimination <input type="checkbox"/> Retaliation <input type="checkbox"/> Termination <input type="checkbox"/> Workers' Compensation <input type="checkbox"/> Other Employment:		Other Civil <input type="checkbox"/> Administrative Appeal <input type="checkbox"/> Antitrust/Unfair Competition <input type="checkbox"/> Code Violations <input type="checkbox"/> Foreign Judgment <input type="checkbox"/> Intellectual Property		<input type="checkbox"/> Lawyer Discipline <input type="checkbox"/> Perpetuate Testimony <input type="checkbox"/> Securities/Stock <input type="checkbox"/> Tortious Interference <input type="checkbox"/> Other:					
Tax <input type="checkbox"/> Tax Appraisal <input type="checkbox"/> Tax Delinquency <input type="checkbox"/> Other Tax		Probate & Mental Health Probate/Wills/Intestate Administration <input type="checkbox"/> Dependent Administration <input type="checkbox"/> Independent Administration <input type="checkbox"/> Other Estate Proceedings <input type="checkbox"/> Guardianship—Adult <input type="checkbox"/> Guardianship—Minor <input type="checkbox"/> Mental Health <input type="checkbox"/> Other:							
3. Indicate procedure or remedy, if applicable (may select more than 1):									
<input type="checkbox"/> Appeal from Municipal or Justice Court <input type="checkbox"/> Arbitration-related <input type="checkbox"/> Attachment <input type="checkbox"/> Bill of Review <input type="checkbox"/> Certiorari <input type="checkbox"/> Class Action		<input type="checkbox"/> Declaratory Judgment <input type="checkbox"/> Garnishment <input type="checkbox"/> Interpleader <input type="checkbox"/> License <input type="checkbox"/> Mandamus <input type="checkbox"/> Post-judgment		<input type="checkbox"/> Prejudgment Remedy <input type="checkbox"/> Protective Order <input type="checkbox"/> Receiver <input type="checkbox"/> Sequestration <input type="checkbox"/> Temporary Restraining Order/Injunction					
4. Indicate damages sought (do not select if it is a family law case): <input type="checkbox"/> Less than \$100,000, including damages of any kind, penalties, costs, expenses, pre-judgment interest, and costs of the foregoing, consisting of _____ pages, is a true, correct and complete copy of the instrument of record in my possession. This _____ day of <u>September</u> 20 <u>15</u> <input checked="" type="checkbox"/> X - Over \$200,000 but not more than \$1,000,000 <input type="checkbox"/> Over \$1,000,000									

 State of Texas
 County of Parker

SHARENA GILLILAND, DISTRICT CLERK

By: _____

Rev 2/13
Deputy

Filed: 8/19/2015 1:54:53 PM
 Sharena Gilliland
 District Clerk
 Parker County, Texas
 Natalie Matthews

CV15-1006

CAUSE NO. _____

PATRICIA SEWELL,

Plaintiff,

vs.

THARON DOUGLAS COWELL and
 ZOELLNER CONSTRUCTION CO., INC.,

Defendants.

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IN THE DISTRICT COURT OF

Parker County - 415th District Court

PARKER COUNTY, TEXAS

____ JUDICIAL DISTRICT

PLAINTIFF'S ORIGINAL PETITION

Plaintiff Patricia Sewell files this Original Petition complaining of Defendants Tharon Douglas Cowell and Zoellner Construction Co., Inc., and for causes of action respectfully shows the Court as follows:

I.**MANDATORY DISCOVERY LEVEL STATEMENT**

1. Pursuant to Texas Rule of Civil Procedure 190.3, discovery in this case will be conducted under Level 2. In addition, pursuant to Texas Rule of Civil Procedure 194, 196, and 197, Plaintiff is serving the following discovery requests with the citation:

- a. Plaintiff's Request for Disclosure to Defendant Tharon Douglas Cowell;
- b. Plaintiff's Request for Disclosure to Defendant Zoellner Construction Co., Inc.;
- c. Plaintiff's First Set of Interrogatories to Defendant Tharon Douglas Cowell;
- d. Plaintiff's First Set of Interrogatories to Defendant Zoellner Construction Co., Inc.;
- e. Plaintiff's First Request for Production to Defendant Tharon Douglas Cowell;
- f. Plaintiff's First Request for Production to Defendant Zoellner Construction Co., Inc.;

- g. Plaintiff's First Request for Admissions to Defendant Tharon Douglas Cowell; and
- h. Plaintiff's First Request for Admissions to Defendant Zoellner Construction Co., Inc.

**II.
MANDATORY STATEMENT OF RELIEF SOUGHT**

2. Pursuant to Texas Rule of Civil Procedure 47, Plaintiff states that she seeks monetary relief over \$200,000 but not more than \$1,000,000.

**III.
PARTIES**

3. Plaintiff Patricia Sewell ("Sewell") is an individual residing in Tarrant County, Texas. The last three numbers of Sewell's driver's license number are 012. The last three numbers of Sewell's social security number are 188.

4. Defendant Tharon Douglas Cowell ("Cowell") is a resident of Missouri, and may be served at HCR 64, Box 505, Grassy, Missouri 63753, or wherever he may be found.

5. Defendant Zoellner Construction Co., Inc. ("Zoellner Construction") is a Missouri corporation with its principal place of business located at 875 PCR 500, Perryville, Missouri 63775. Zoellner Construction may be served through its registered agent, Steven P. Zoellner, at 875 PCR 500, Perryville, Missouri 63775, or wherever he may be found.

**IV.
JURISDICTION AND VENUE**

6. Personal jurisdiction is proper as to Cowell and Zoellner Construction because they have availed themselves of the privileges of conducting activities in the State of Texas. In this regard, Zoellner Construction is a general contractor operating in several states in the Mid-West and the South-West, including Texas. Zoellner Construction has performed numerous jobs for its clients in Texas, and its employee, Cowell, was driving his vehicle in Texas, while in the

course and scope of his employment with Zoellner Construction, at the time of the wreck that is the basis of this suit. Thus, the Court has both general and specific jurisdiction over Zoellner Construction and Cowell.

7. Subject matter jurisdiction is proper in this Court because the amount in controversy is in excess of this Court's minimum jurisdiction, exclusive of interest and costs.

8. Venue is proper in Parker County, Texas pursuant to Texas Civil Practice and Remedies Code section 15.002(a)(1) because all or a substantial part of the events or omissions giving rise to Sewell's claims occurred in Parker County, Texas.

V. FACTS

9. On or about October 4, 2013, Sewell was driving northbound on Highway 171 in Weatherford, Parker County, Texas. At that same time, Cowell was driving southbound on Highway 171. Suddenly and without warning, Cowell attempted to make a left turn into a private drive. While attempting this turn, Cowell's vehicle violently struck the driver's side of Sewell's vehicle. The damage was so severe that both vehicles had to be towed from the scene of the wreck.

10. As a result of the collision, Sewell sustained bodily injury.

VI. CAUSES OF ACTION

A. Negligence

11. Cowell had the duty to use ordinary care in driving his vehicle.

12. Cowell breached this duty and was negligent in various acts and omissions at the time of the wreck by, among other things, failing to yield the right of way to Sewell.

13. Cowell's negligence proximately caused the occurrence made the basis of this action and Sewell's injuries and damages.

14. Upon information and belief, Cowell was an employee of Zoellner Construction. Further, upon information and belief, Cowell was acting in the course and scope of his employment with Zoellner at the time of the wreck. As such, Zoellner is vicariously liable for the negligence of Cowell.

**VII.
DAMAGES**

15. As a direct and proximate result of the foregoing acts of negligence, Sewell suffered physical injuries, for which she seeks recovery.

16. Based on the foregoing, Sewell's personal injury damages include:

- a. Physical pain and mental anguish in the past and future;
- b. Physical impairment in the past and future; and
- c. Medical expenses in the past and future.

**VIII.
JURY DEMAND**

17. Sewell hereby demands a trial by jury.

WHEREFORE, Sewell prays that Cowell and Zoellner Construction be cited to appear and answer, and that a judgment be entered against them for:

- a. Actual Damages;
- b. Pre-judgment and post-judgment interest as provided by law;
- c. Costs of suit; and
- d. Such other and further relief, whether at law or in equity, to which Sewell may be entitled.

CAUSE NO. _____

PATRICIA SEWELL,

Plaintiff,

vs.

THARON DOUGLAS COWELL and
ZOELLNER CONSTRUCTION CO., INC.,

Defendants.

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IN THE DISTRICT COURT OF

PARKER COUNTY, TEXAS

_____ JUDICIAL DISTRICT

PLAINTIFF'S REQUEST FOR DISCLOSURE TO
DEFENDANT THARON DOUGLAS COWELL

TO: Defendant Tharon Douglas Cowell

Pursuant to Texas Rule of Civil Procedure 194, you are requested to disclose, within 50 days of service of this request, the information or materials described in Rule 194.2 (a) – (l). Specifically, please disclose:

- (a) The correct names of the parties to the lawsuit.
- (b) The name, address, and telephone number of any potential parties.
- (c) The legal theories and, in general, the factual bases of your claims or defenses.
- (d) The amount and any method of calculating economic damages.
- (e) The name, address, and telephone number of persons having knowledge of relevant facts, and a brief statement of each identified person's connection with the case.
- (f) For any testifying expert:
 - (1) The expert's name, address, and telephone number;
 - (2) The subject matter on which the expert will testify;
 - (3) The general substance of the expert's mental impressions and opinions and a brief summary of the basis for them, or if the expert is not retained by you, employed by you, or otherwise subject to your control, documents reflecting such information;

CAUSE NO. _____

PATRICIA SEWELL,	§	IN THE DISTRICT COURT OF
	§	
Plaintiff,	§	
	§	
vs.	§	PARKER COUNTY, TEXAS
	§	
THARON DOUGLAS COWELL and	§	
ZOELLNER CONSTRUCTION CO., INC.,	§	
	§	
Defendants.	§	_____ JUDICIAL DISTRICT

**PLAINTIFF'S REQUEST FOR DISCLOSURE TO
DEFENDANT ZOELLNER CONSTRUCTION CO., INC.**

TO: Defendant Zoellner Construction Co., Inc.

Pursuant to Texas Rule of Civil Procedure 194, you are requested to disclose, within 50 days of service of this request, the information or materials described in Rule 194.2 (a) – (l).

Specifically, please disclose:

- (a) The correct names of the parties to the lawsuit.
- (b) The name, address, and telephone number of any potential parties.
- (c) The legal theories and, in general, the factual bases of your claims or defenses.
- (d) The amount and any method of calculating economic damages.
- (e) The name, address, and telephone number of persons having knowledge of relevant facts, and a brief statement of each identified person's connection with the case.
- (f) For any testifying expert:
 - (1) The expert's name, address, and telephone number;
 - (2) The subject matter on which the expert will testify;
 - (3) The general substance of the expert's mental impressions and opinions and a brief summary of the basis for them, or if the expert is not retained by you, employed by you, or otherwise subject to your control, documents reflecting such information;

- (4) If the expert is retained by you, employed by you, or otherwise subject to your control:
 - (A) All documents, tangible items, reports, models, or data compilations that have been provided to, reviewed by, or prepared by or for the expert in anticipation of the expert's testimony; and
 - (B) The expert's current resume and bibliography.
- (g) Any indemnity and insuring agreements described in Rule 192.3(f).
- (h) Any settlement agreements described in Rule 192.3(g).
- (i) Any witness statements described in Rule 192.3(h).
- (j) All medical records and bills that are reasonably related to the injuries or damages asserted or, in lieu thereof, and authorization permitting the disclosure of such medical records and bills.
- (k) All medical records and bills obtained by Defendant by virtue of an authorization furnished by Plaintiff.
- (l) With respect to any person or entity who may be designated as responsible third parties, please disclose the names, addresses and telephone number.

Respectfully submitted,

CURNUTT & HAFFER, L.L.P.

By: /s/Douglas R. Hafer

Douglas R. Hafer

State Bar No. 00787614

DHafer@CurnuttHafer.com

101 East Park Row
Arlington, Texas 76010
(817) 548-1000 – Telephone
(817) 548-1070 – Facsimile

ATTORNEY FOR PLAINTIFF

CAUSE NO. _____

PATRICIA SEWELL,

Plaintiff,

vs.

THARON DOUGLAS COWELL and
ZOELLNER CONSTRUCTION CO., INC.,

Defendants.

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IN THE DISTRICT COURT OF

PARKER COUNTY, TEXAS

_____ JUDICIAL DISTRICT

PLAINTIFF'S FIRST SET OF INTERROGATORIES TO
DEFENDANT THARON DOUGLAS COWELL

TO: Defendant Tharon Douglas Cowell

Plaintiff Patricia Sewell submits the following First Set of Interrogatories to Defendant Tharon Douglas Cowell ("Cowell"), and pursuant to Texas Rule of Civil Procedure 197, requests that they be answered fully, in writing, and under oath, not later than thirty (50) days after service of these Interrogatories, as prescribed by the Texas Rules of Civil Procedure. These Interrogatories are continuing in nature, and Cowell is requested to supplement his answers to these Interrogatories in accordance with the Texas Rules of Civil Procedure.

I.
DEFINITIONS AND INSTRUCTIONS

The following definitions and instructions shall apply to these Interrogatories:

1. "Identify":
 - a. When used with reference to an individual, shall mean the individual's full name, address and telephone number;
 - b. When used with reference to a business or corporation, shall mean the business or corporation's legal name, the names under which it does business, if different than its full legal name, and its present address and phone number; and

- c. When used with reference to documents, all means of identifying it with sufficient particularity to satisfy the requirements for its identification in a request for its production pursuant to TEX. R. CIV. P. 196.

2. The terms “communication” or “communications” include all forms of written or verbal interchange however transmitted.

3. The term “person” refers to any individual, governmental entity or agency, proprietorship, partnership, corporation, and all other forms of organization or association.

4. As used herein, the terms “and” and “or” shall be construed conjunctively or disjunctively as necessary to make the request inclusive rather than exclusive.

5. The term “describe” means to set out, with specificity and particularity, every fact, circumstance, act, omission, or course of conduct known to you concerning, in any way, the matter inquired about, including, without limitation, the date and place thereof, the identity of each person who was present or who has knowledge thereof, the identity and substance of all documents relative thereto (including, but not limited to, contracts or agreements resulting therefrom) and, if anything was said by a person present, the identity of each person and the substance of each such oral statement.

6. Each Interrogatory below shall operate and be responded to independently and unless otherwise indicated, no Interrogatory limits the scope of any other Interrogatory.

7. The terms “relate to”, “relating to” or “related to” shall mean and include anything concerning, reflecting or pertaining in any way (directly or indirectly) to any part of the subject matter of the Interrogatory.

8. If Cowell considers any Interrogatory to request information that is privileged from or otherwise not subject to discovery, please provide the following with respect to such information, and the privilege or exemption claimed:

- a. The specific privilege or exemption claimed;
- b. If the claimed privilege or exemption relates to a document, identify the following with respect to each document:
 - (1) general description and title of the document, including the subject matter;
 - (2) author;
 - (3) date;
 - (4) all recipients and persons copied on the document; and
 - (5) all factual contents of the documents which support your claim of privilege or exemption.
- c. If the claimed privilege or exemption relates to a communication, identify the following with respect to each communication:
 - (1) the subject matter of the communication;
 - (2) author or speaker;
 - (3) date of the communication;
 - (4) all persons to whom you have communicated the allegedly privileged information; and
 - (5) all persons who possess the allegedly privileged information.

9. The term "Sewell" shall mean and refer to Patricia Sewell, and all other persons or entities acting or purporting to act on behalf of Patricia Sewell.

10. The terms "you," "your," and "Cowell" shall mean and refer to Tharon Douglas Cowell, and all other persons or entities acting or purporting to act on behalf of Tharon Douglas Cowell.

11. The term "Zoellner Construction" shall mean and refer to Zoellner Construction Co., Inc., and all other persons or entities acting or purporting to act on behalf of Zoellner Construction Co., Inc.

12. The term "Incident" shall mean and refer to the alleged events which form the basis of Plaintiff's allegations against any defendant in this action.

13. All requests are for the time period January 1, 2013 to the present, except for those requests that have a specific time period stated.

II. INTERROGATORIES

Please respond to each Interrogatory propounded below in conformity with the Definitions and Instructions set forth above.

INTERROGATORY NO. 1:

Please state whether there were any passengers in the vehicle you were driving at the time of the Incident, and if so, state their name(s) and address(es).

ANSWER:

INTERROGATORY NO. 2:

Please state where you were going at the time of the Incident and where you were coming from, the purpose of your trip, and whether or not you were working at the time of the Incident. If you were working at the time of the Incident, please state the name, address and telephone number of your employer.

ANSWER:

INTERROGATORY NO. 3:

State the full name, current (or last known) address, and telephone number of all persons you believe or have been informed may have witnessed the Incident.

ANSWER:

INTERROGATORY NO. 4:

Have you been charged with any moving traffic violations during the five (5) year period preceding the Incident, or been a party to any other lawsuit arising in whole or in part out of a motor vehicle collision? If so, please describe all such charges and lawsuits.

ANSWER:

INTERROGATORY NO. 5:

Have you been arrested or convicted of a felony or crime involving moral turpitude during the past ten (10) years? If so, please state the place (city, county, state) of arrest and conviction, the date of arrest and conviction, the crime you were arrested for and/or convicted of and the sentence imposed, if any.

ANSWER:

INTERROGATORY NO. 6:

Do you contend that the Incident made the basis of this suit was a result of any act or inaction of any person and/or entity other than you? If so, please state the name, address and telephone number of each such person and/or entity and state the facts supporting your contention.

ANSWER:

INTERROGATORY NO. 7:

Do you contend that Sewell's injuries for which she seeks compensation in this lawsuit were caused by something other than the Incident made the basis of this suit? If so, please state your contention in detail, and state all facts that support your contention.

ANSWER:

INTERROGATORY NO. 8:

Please describe all alcoholic beverages, medications, drugs and other intoxicants consumed or ingested by you in the 48 hour period before the Incident made the basis of this suit, and state the type, quantity and time consumed.

ANSWER:

INTERROGATORY NO. 9:

Did you use corrective lenses at the time of the Incident made the subject of this suit? If so, were you wearing the lenses at the time of the collision, and state the name, address and telephone number of the eye doctor that prescribed the corrective lenses?

ANSWER:

INTERROGATORY NO. 10:

Was a cell phone in use in your vehicle at the time of the incident? If so, state the name of the cell phone provider, the cell phone number, who was using the cell phone, to whom you (or your passenger) were speaking to at the time of the incident, and the name of the person who received the bill for the cell phone(s).

ANSWER:

Respectfully submitted,

CURNUTT & HAFER, L.L.P.

By: /s/Douglas R. Hafer

Douglas R. Hafer

State Bar No. 00787614

DHafer@CurnuttHafer.com

101 East Park Row

Arlington, Texas 76010

(817) 548-1000 – Telephone

(817) 548-1070 – Facsimile

ATTORNEY FOR PLAINTIFF

- c. When used with reference to documents, all means of identifying it with sufficient particularity to satisfy the requirements for its identification in a request for its production pursuant to TEX. R. CIV. P. 196.

2. The terms “communication” or “communications” include all forms of written or verbal interchange however transmitted.

3. The term “person” refers to any individual, governmental entity or agency, proprietorship, partnership, corporation, and all other forms of organization or association.

4. As used herein, the terms “and” and “or” shall be construed conjunctively or disjunctively as necessary to make the request inclusive rather than exclusive.

5. The term “describe” means to set out, with specificity and particularity, every fact, circumstance, act, omission, or course of conduct known to you concerning, in any way, the matter inquired about, including, without limitation, the date and place thereof, the identity of each person who was present or who has knowledge thereof, the identity and substance of all documents relative thereto (including, but not limited to, contracts or agreements resulting therefrom) and, if anything was said by a person present, the identity of each person and the substance of each such oral statement.

6. Each Interrogatory below shall operate and be responded to independently and unless otherwise indicated, no Interrogatory limits the scope of any other Interrogatory.

7. The terms “relate to”, “relating to” or “related to” shall mean and include anything concerning, reflecting or pertaining in any way (directly or indirectly) to any part of the subject matter of the Interrogatory.

8. If Zoellner Construction considers any Interrogatory to request information that is privileged from or otherwise not subject to discovery, please provide the following with respect to such information, and the privilege or exemption claimed:

- a. The specific privilege or exemption claimed;
- b. If the claimed privilege or exemption relates to a document, identify the following with respect to each document:
 - (1) general description and title of the document, including the subject matter;
 - (2) author;
 - (3) date;
 - (4) all recipients and persons copied on the document; and
 - (5) all factual contents of the documents which support your claim of privilege or exemption.
- c. If the claimed privilege or exemption relates to a communication, identify the following with respect to each communication:
 - (1) the subject matter of the communication;
 - (2) author or speaker;
 - (3) date of the communication;
 - (4) all persons to whom you have communicated the allegedly privileged information; and
 - (5) all persons who possess the allegedly privileged information.

9. The term "Sewell" shall mean and refer to Patricia Sewell, and all other persons or entities acting or purporting to act on behalf of Patricia Sewell.

10. The term "Cowell" shall mean and refer to Tharon Douglas Cowell, and all other persons or entities acting or purporting to act on behalf of Tharon Douglas Cowell.

11. The terms "you," "your," and "Zoellner Construction" shall mean and refer to Zoellner Construction Co., Inc., and all other persons or entities acting or purporting to act on behalf of Zoellner Construction Co., Inc.

12. The term "Incident" shall mean and refer to the alleged events which form the basis of Plaintiff's allegations against any defendant in this action.

13. All requests are for the time period January 1, 2013 to the present, except for those requests that have a specific time period stated.

II. INTERROGATORIES

Please respond to each Interrogatory propounded below in conformity with the Definitions and Instructions set forth above.

INTERROGATORY NO. 1:

Please state the name, address, phone number and job title of the person(s) answering these Interrogatories on behalf of Zoellner Construction.

ANSWER:

INTERROGATORY NO. 2:

Please state any and all traffic violations you are aware of involving Cowell in the three (3) years preceding the Incident. Please indicate if you are aware if Cowell had his driver's license revoked due to any of these violations and the period of time his license was revoked, if any.

ANSWER:

INTERROGATORY NO. 3:

Please list any other motor vehicle accidents involving Cowell. Please list the date and location of such accidents, the parties involved, and a factual description of each accident.

ANSWER:

INTERROGATORY NO. 4:

List all criminal arrests and/or charges you are aware of pertaining to Cowell in the last ten (10) years by giving the cause number; identities of all accused; court of jurisdiction; description of criminal charges; date and place of arrest; plea made; date of trial and/or plea bargain; whether or not convicted and on what charges; time served; date of release from confinement; whether or not granted pardon or parole, and if so, date pardon granted or parole was or will be successfully completed.

ANSWER:

INTERROGATORY NO. 5:

Was a cell phone provided by Zoellner Construction to Cowell at the time of the Incident? If so, state the name of the cell phone provider, the cell phone number, and the name of the person who receives the bill for the cell phone(s).

ANSWER:

INTERROGATORY NO. 6:

Identify Cowell's supervisor.

ANSWER:

INTERROGATORY NO. 7:

Identify who conducts any investigation into the incident made the basis of this lawsuit.

ANSWER:

Respectfully submitted,

CURNUTT & HAFFER, L.L.P.

By: /s/Douglas R. Hafer

Douglas R. Hafer

State Bar No. 00787614

DHafer@CurnuttHafer.com

101 East Park Row

Arlington, Texas 76010

(817) 548-1000 – Telephone

(817) 548-1070 – Facsimile

ATTORNEY FOR PLAINTIFF

CAUSE NO. _____

PATRICIA SEWELL,

Plaintiff,

vs.

THARON DOUGLAS COWELL and
ZOELLNER CONSTRUCTION CO., INC.,

Defendants.

§
§
§
§
§
§
§
§
§

IN THE DISTRICT COURT OF

PARKER COUNTY, TEXAS

_____ JUDICIAL DISTRICT

PLAINTIFF'S FIRST REQUEST FOR PRODUCTION TO
DEFENDANT THARON DOUGLAS COWELL

TO: Defendant Tharon Douglas Cowell

Plaintiff Patricia Sewell submits the following First Request for Production to Defendant Tharon Douglas Cowell ("Cowell"), and requests that Cowell produce the following described documents and things in his possession, custody or control. It is requested that the documents and things requested below be produced for copying and inspection no later than thirty (50) days after service, as prescribed by the Texas Rules of Civil Procedure, at the offices of Curnutt & Hafer, L.L.P., 101 East Park Row, Arlington, Texas 76010. These Requests are continuing in nature, and Cowell is requested to supplement his responses to these Requests in accordance with the Texas Rules of Civil Procedure.

I.
DEFINITIONS AND INSTRUCTIONS

The following definitions and instructions shall apply with respect to this Request for Production of Documents:

1. The terms "communication" or "communications" include all forms of written or verbal interchange however transmitted.

2. The terms “document” or “documents” shall be used in their broadest sense and shall include all written, printed, typed, electronically stored, taped, recorded, or graphic matter of every kind and description, however produced or reproduced, both originals and copies, and all attachments and appendices thereto in your actual or constructive possession, custody or control, whether now existing or hereafter generated or prepared. Where a document is identified or produced, identical copies thereof which do not contain any markings, additions or deletions different from the original need not be separately identified or produced.

3. A document “relates to” or is “relating to” a subject matter described herein when that document contains information concerning, or is in any way pertinent to the subject matter, whether directly or indirectly.

4. The term “Sewell” shall mean and refer to Patricia Sewell, and all other persons or entities acting or purporting to act on behalf of Patricia Sewell.

5. The terms “you,” “your,” and “Cowell” shall mean and refer to Tharon Douglas Cowell, and all other persons or entities acting or purporting to act on behalf of Tharon Douglas Cowell.

6. The term “Zoellner Construction” shall mean and refer to Zoellner Construction Co., Inc., and all other persons or entities acting or purporting to act on behalf of Zoellner Construction Co., Inc.

7. The term “Incident” shall mean and refer to the alleged events which form the basis of Plaintiff’s allegations against any defendant in this action.

8. Each request below shall operate and be responded to independently and, unless otherwise indicated, no request limits the scope of any other request.

9. The word “and” means “and/or.” The word “or” means “and/or.” The plural of any word used herein includes the singular and the singular includes the plural. The masculine gender as used herein includes the feminine and the neuter. The past tense of a verb used herein includes the present tense and the present tense includes the past tense.

10. If Cowell considers any request for production of documents to request information which is privileged from or otherwise not subject to discovery, provide the following with respect to such information, and the privilege or exemption claimed:

- a) The specific privilege or exemption claimed;
- b) If the claimed privilege or exemption relates to a document, identify the following with respect to each document:
 - (1) General description and title of the document, including the subject matter;
 - (2) Author;
 - (3) Date;
 - (4) All recipients and persons copied on the document; and
 - (5) All factual contents of the document which support your claim of privilege or exemption.
- c) If the claimed privilege or exemption relates to a communication, identify the following with respect to each communication:
 - (1) General contents, date, and author or speaker of the communication; and
 - (2) All persons to whom you have communicated and who possess the allegedly privileged information.

11. All requests are for the time period January 1, 2013 to the present, except for those requests that have a specific time period stated.

**II.
DOCUMENTS REQUESTED**

Please produce the following documents in conformity with the Definitions and Instructions set forth above.

REQUEST NO. 1:

All documents relating to insurance coverage and insurance claims associated with the Incident, including:

- a. all insurance policies and declaration pages which may provide any person or entity, including you, coverage for the Incident;
- b. all documents relating to claims, including property damage and worker's compensation claims, made by you as a result of the Incident; and
- c. any reservation of rights and/or denial of insurance coverage directed to you by any insurer following the Incident.

RESPONSE:

REQUEST NO. 2:

All medical records and billing statements and/or records, x-rays, radiographic films, pathology materials, nurses' progress notes, and any other health care records and materials related to Sewell.

RESPONSE:

REQUEST NO. 3:

All documents relating to any moving traffic violations or criminal charges against you, including charges or violations resulting from the Incident, as well as any documents related to

RESPONSE:

REQUEST NO. 8:

A copy of the title to the vehicle you were driving at the time of the Incident.

RESPONSE:

REQUEST NO. 9:

Any and all photographs, charts, graphs, drawings or any documents depicting the scene of the Incident, or depicting any vehicle or person involved in the Incident.

RESPONSE:

Respectfully submitted,

CURNUTT & HAFER, L.L.P.

By: /s/Douglas R. Hafer

Douglas R. Hafer

State Bar No. 00787614

DHafer@CurnuttHafer.com

101 East Park Row

Arlington, Texas 76010

(817) 548-1000 – Telephone

(817) 548-1070 – Facsimile

ATTORNEY FOR PLAINTIFF

CAUSE NO. _____

PATRICIA SEWELL,	§	IN THE DISTRICT COURT OF
	§	
Plaintiff,	§	
	§	
vs.	§	PARKER COUNTY, TEXAS
	§	
THARON DOUGLAS COWELL and	§	
ZOELLNER CONSTRUCTION CO., INC.,	§	
	§	
Defendants.	§	_____ JUDICIAL DISTRICT

PLAINTIFF'S FIRST REQUEST FOR PRODUCTION TO
DEFENDANT ZOELLNER CONSTRUCTION CO., INC.

TO: Defendant Zoellner Construction Co., Inc.

Plaintiff Patricia Sewell submits the following First Request for Production to Defendant Zoellner Construction Co., Inc. ("Zoellner Construction"), and requests that Zoellner Construction produce the following described documents and things in its possession, custody or control. It is requested that the documents and things requested below be produced for copying and inspection no later than thirty (50) days after service, as prescribed by the Texas Rules of Civil Procedure, at the offices of Curnutt & Hafer, L.L.P., 101 East Park Row, Arlington, Texas 76010. These Requests are continuing in nature, and Zoellner Construction is requested to supplement its responses to these Requests in accordance with the Texas Rules of Civil Procedure.

I.
DEFINITIONS AND INSTRUCTIONS

The following definitions and instructions shall apply with respect to this Request for Production of Documents:

1. The terms "communication" or "communications" include all forms of written or verbal interchange however transmitted.

2. The terms “document” or “documents” shall be used in their broadest sense and shall include all written, printed, typed, electronically stored, taped, recorded, or graphic matter of every kind and description, however produced or reproduced, both originals and copies, and all attachments and appendices thereto in your actual or constructive possession, custody or control, whether now existing or hereafter generated or prepared. Where a document is identified or produced, identical copies thereof which do not contain any markings, additions or deletions different from the original need not be separately identified or produced.

3. A document “relates to” or is “relating to” a subject matter described herein when that document contains information concerning, or is in any way pertinent to the subject matter, whether directly or indirectly.

4. The term “Sewell” shall mean and refer to Patricia Sewell, and all other persons or entities acting or purporting to act on behalf of Patricia Sewell.

5. The term “Cowell” shall mean and refer to Tharon Douglas Cowell, and all other persons or entities acting or purporting to act on behalf of Tharon Douglas Cowell.

6. The terms “you,” “your,” and “Zoellner Construction” shall mean and refer to Zoellner Construction Co., Inc., and all other persons or entities acting or purporting to act on behalf of Zoellner Construction Co., Inc.

7. The term “Incident” shall mean and refer to the alleged events which form the basis of Plaintiff’s allegations against any defendant in this action.

8. Each request below shall operate and be responded to independently and, unless otherwise indicated, no request limits the scope of any other request.

9. The word “and” means “and/or.” The word “or” means “and/or.” The plural of any word used herein includes the singular and the singular includes the plural. The masculine

gender as used herein includes the feminine and the neuter. The past tense of a verb used herein includes the present tense and the present tense includes the past tense.

10. If Zoellner Construction considers any request for production of documents to request information which is privileged from or otherwise not subject to discovery, provide the following with respect to such information, and the privilege or exemption claimed:

- a) The specific privilege or exemption claimed;
- b) If the claimed privilege or exemption relates to a document, identify the following with respect to each document:
 - (1) General description and title of the document, including the subject matter;
 - (2) Author;
 - (3) Date;
 - (4) All recipients and persons copied on the document; and
 - (5) All factual contents of the document which support your claim of privilege or exemption.
- c) If the claimed privilege or exemption relates to a communication, identify the following with respect to each communication:
 - (1) General contents, date, and author or speaker of the communication; and
 - (2) All persons to whom you have communicated and who possess the allegedly privileged information.

11. All requests are for the time period January 1, 2013 to the present, except for those requests that have a specific time period stated.

**II.
DOCUMENTS REQUESTED**

Please produce the following documents in conformity with the Definitions and Instructions set forth above.

REQUEST NO. 1:

All documents relating to insurance coverage and insurance claims associated with the Incident, including:

- a. all insurance policies and declaration pages which may provide any person or entity, including you, coverage for the Incident;
- b. all documents relating to claims, including property damage and worker's compensation claims, made by you as a result of the Incident; and
- c. any reservation of rights and/or denial of insurance coverage directed to you by any insurer following the Incident.

RESPONSE:

REQUEST NO. 2:

All medical records and billing statements and/or records, x-rays, radiographic films, pathology materials, nurses' progress notes, and any other health care records and materials related to Sewell.

RESPONSE:

REQUEST NO. 3:

All documents generated by you pertaining to the Incident made the subject of this case.

RESPONSE:

recorder, trip master or other recording or tracking device for the day of the Incident and the six (6) month period preceding the Incident for the equipment involved in the Incident.

RESPONSE:

REQUEST NO. 9:

Any drivers' manuals, guidelines, rules or regulations given to Cowell.

RESPONSE:

REQUEST NO. 10:

Any reports, memos, notes, logs or other documents evidencing complaints about Cowell.

RESPONSE:

REQUEST NO. 11:

Any daily log, time sheet, or other document evidencing what Cowell was doing on the day of the Incident.

RESPONSE:

REQUEST NO. 12:

For any cellular phone provided by Zoellner Construction to Cowell, produce all telephone billing records that cover the date of the Incident.

RESPONSE:

REQUEST NO. 13:

Any drug or alcohol testing results for Cowell taken within 24 hours of the Incident.

RESPONSE:

Respectfully submitted,

CURNUTT & HAFER, L.L.P.

By: /s/Douglas R. Hafer

Douglas R. Hafer

State Bar No. 00787614

DHafer@CurnuttHafer.com

101 East Park Row

Arlington, Texas 76010

(817) 548-1000 – Telephone

(817) 548-1070 – Facsimile

ATTORNEY FOR PLAINTIFF

CAUSE NO. _____

PATRICIA SEWELL,	§	IN THE DISTRICT COURT OF
	§	
Plaintiff,	§	
	§	
vs.	§	PARKER COUNTY, TEXAS
	§	
THARON DOUGLAS COWELL and	§	
ZOELLNER CONSTRUCTION CO., INC.,	§	
	§	
Defendants.	§	_____ JUDICIAL DISTRICT

PLAINTIFF'S FIRST REQUEST FOR ADMISSIONS TO
DEFENDANT THARON DOUGLAS COWELL

TO: Defendant Tharon Douglas Cowell

Plaintiff Patricia Sewell submits the following First Request for Admissions to Defendant Tharon Douglas Cowell, and pursuant to Texas Rule of Civil Procedure 198, requests that they be answered in writing, and not later than fifty (50) days after service of these Admissions, as prescribed by Texas Rule of Civil Procedure 198.2(a).

I.
DEFINITIONS AND INSTRUCTIONS

The following definitions and instructions shall apply with respect to this First Request for Admissions:

1. The term "Sewell" shall mean and refer to Patricia Sewell, and all other persons or entities acting or purporting to act on behalf of Patricia Sewell.
2. The terms "you," "your," and "Cowell" shall mean and refer to Tharon Douglas Cowell, and all other persons or entities acting or purporting to act on behalf of Tharon Douglas Cowell.

3. The term "Zoellner Construction" shall mean and refer to Zoellner Construction Co., Inc., and all other persons or entities acting or purporting to act on behalf of Zoellner Construction Co., Inc.

4. The term "Incident" shall mean and refer to the alleged events which form the basis of Plaintiff's allegations against any defendant in this action.

5. Each request below shall operate and be responded to independently and, unless otherwise indicated, no request limits the scope of any other request.

6. The word "and" means "and/or." The word "or" means "and/or." The plural of any word used herein includes the singular and the singular includes the plural. The masculine gender as used herein includes the feminine and the neuter. The past tense of a verb used herein includes the present tense and the present tense includes the past tense.

7. All requests are for the time period January 1, 2013 to the present, except for those requests that have a specific time period stated.

II. REQUESTS FOR ADMISSION

Please respond in conformity with the Definitions and Instructions set forth above.

REQUEST FOR ADMISSION NO. 1:

That you, at the time of the Incident, were driving a 2013 GMC K3500 pickup truck in the course and scope of your employment with Zoellner Construction.

RESPONSE:

REQUEST FOR ADMISSION NO. 2:

That you were solely at fault for the crash that resulted in the Incident.

RESPONSE:

REQUEST FOR ADMISSION NO. 3:

That Sewell did nothing to cause or contribute to the crash that resulted in the Incident.

RESPONSE:

Respectfully submitted,

CURNUTT & HAFFER, L.L.P.

By: /s/Douglas R. Hafer

Douglas R. Hafer

State Bar No. 00787614

DHafer@CurnuttHafer.com

101 East Park Row

Arlington, Texas 76010

(817) 548-1000 – Telephone

(817) 548-1070 – Facsimile

ATTORNEY FOR PLAINTIFF

CAUSE NO. _____

PATRICIA SEWELL,

Plaintiff,

vs.

THARON DOUGLAS COWELL and
ZOELLNER CONSTRUCTION CO., INC.,

Defendants.

§
§
§
§
§
§
§
§
§

IN THE DISTRICT COURT OF

PARKER COUNTY, TEXAS

_____ JUDICIAL DISTRICT

**PLAINTIFF'S FIRST REQUEST FOR ADMISSIONS TO
DEFENDANT ZOELLNER CONSTRUCTION CO., INC.**

TO: Defendant Zoellner Construction Co., Inc.

Plaintiff Patricia Sewell submits the following First Request for Admissions to Defendant Zoellner Construction Co., Inc., and pursuant to Texas Rule of Civil Procedure 198, requests that they be answered in writing, and not later than fifty (50) days after service of these Admissions, as prescribed by Texas Rule of Civil Procedure 198.2(a).

**I.
DEFINITIONS AND INSTRUCTIONS**

The following definitions and instructions shall apply with respect to this First Request for Admissions:

1. The term "Sewell" shall mean and refer to Patricia Sewell, and all other persons or entities acting or purporting to act on behalf of Patricia Sewell.
2. The term "Cowell" shall mean and refer to Tharon Douglas Cowell, and all other persons or entities acting or purporting to act on behalf of Tharon Douglas Cowell.
3. The terms "you," "your," and "Zoellner Construction" shall mean and refer to Zoellner Construction Co., Inc., and all other persons or entities acting or purporting to act on behalf of Zoellner Construction Co., Inc.

4. The term "Incident" shall mean and refer to the alleged events which form the basis of Plaintiff's allegations against any defendant in this action.

5. Each request below shall operate and be responded to independently and, unless otherwise indicated, no request limits the scope of any other request.

6. The word "and" means "and/or." The word "or" means "and/or." The plural of any word used herein includes the singular and the singular includes the plural. The masculine gender as used herein includes the feminine and the neuter. The past tense of a verb used herein includes the present tense and the present tense includes the past tense.

7. All requests are for the time period January 1, 2013 to the present, except for those requests that have a specific time period stated.

II. REQUESTS FOR ADMISSION

Please respond in conformity with the Definitions and Instructions set forth above.

REQUEST FOR ADMISSION NO. 1:

That Cowell, at the time of the Incident, was driving a 2013 GMC K3500 pickup truck in the course and scope of his employment with Zoellner Construction.

RESPONSE:

REQUEST FOR ADMISSION NO. 2:

That Cowell was solely at fault for the crash that resulted in the Incident.

RESPONSE:

REQUEST FOR ADMISSION NO. 3:

That Sewell did nothing to cause or contribute to the crash that resulted in the Incident.

RESPONSE:

Respectfully submitted,

CURNUTT & HAFFER, L.L.P.

By: /s/Douglas R. Hafer

Douglas R. Hafer

State Bar No. 00787614

DHafer@CurnuttHafer.com

101 East Park Row

Arlington, Texas 76010

(817) 548-1000 – Telephone

(817) 548-1070 – Facsimile

ATTORNEY FOR PLAINTIFF

State of Texas	}
County of Parker	}
I certify that the foregoing, consisting of <u>41</u> pages, is a true, correct and complete copy of the instrument of record in my possession. This <u>11</u> day of <u>September</u> 20 <u>15</u> .	
SHARINA GILLILAND, DISTRICT CLERK	
By: <u>[Signature]</u>	Deputy

Cause No.: CV15-1006

**415th District Court
Parker County, Texas
117 Fort Worth Highway
Weatherford, Texas 76086**

THE STATE OF TEXAS

August 19, 2015

Tharon Douglas Cowell
HCR 64 Box 505
Grassy, Mo 63753

NOTICE: YOU HAVE BEEN SUED. YOU MAY EMPLOY AN ATTORNEY. IF YOU OR YOUR ATTORNEY DO NOT FILE A WRITTEN ANSWER WITH THE CLERK WHO ISSUED THIS CITATION BY 10:00 A.M. ON THE MONDAY NEXT FOLLOWING THE EXPIRATION OF TWENTY (20) DAYS AFTER YOU WERE SERVED THIS CITATION AND PLAINTIFF'S ORIGINAL PETITION, A DEFAULT JUDGMENT MAY BE TAKEN AGAINST YOU.

The suit is numbered CV15-1006 and was filed in the **415th District Court** in and for Parker County on **August 19, 2015**, and styled:

Patricia Sewell vs. Tharon Douglas Cowell and Zoellner Construction Co., Inc.

Parties to the Suit:

Plaintiff(s): **Patricia Sewell**

Defendant(s): **Zoellner Construction Co., Inc.; Tharon Douglas Cowell**

The nature of the suit is shown in the copy of the attached petition.

ISSUED under my hand and seal in Weatherford, Parker County, Texas on this **19th day of August, 2015**.



SHARENA GILLILAND
District Clerk
Parker County, Texas

Signac 8/ 2020 5449337M

By: Natalie Matthews
Deputy

Plaintiff(s) Attorney

Douglas R Hafer
101 East Park Row
Arlington Tx 76010
817-548-1000

CITATION - CIVIL

RETURN OF SERVICE*Return to: Parker County District Clerk, 117 Fort Worth Highway, Weatherford, TX 76086*

Cause No.: CV15-1006

418th District Court
Parker County, Texas*Patricia Sewell vs. Tharon Douglas Cowell and Zoellner Construction Co., Inc.*

Came to hand on the _____ day of _____, 20__ at _____ o'clock ____M. and executed on the _____ day of _____, 20__, at _____ o'clock ____M. by delivering a true copy of this citation with a copy of the petition attached thereto to defendant: _____ (name), in person, at _____ (address) in _____ County, Texas.

[] Not executed. The diligence used in finding defendant being: _____

[] Information received as to the whereabouts of defendant being: _____

Sheriff/Constable/Clerk_____
Printed Name of Authorized Person_____
County

*** OR ***

Signature of Authorized Person_____
Deputy_____
Certified Process Server ID No._____
S_____
Expiration Date_____
Fees*The following to be completed by Authorized Person other than Sheriff, Constable or Clerk. Tex. R. Civ. P. 107(e).*

State of _____

County of _____

Before me _____, the undersigned notary public on this day personally appeared _____ whose name is subscribed in the above and foregoing Return of Service and stated and acknowledged to me the facts stated therein are true and correct.

Given under my hand and seal of office this _____ day of _____, 20__.

(Seal)

*** OR ***

Notary Public

"My name is _____, my date of birth is _____
(First) (Middle) (Last) (Month) (Day) (Year)

and my address is _____
(Street) (City) (State) (Zip) (Country)

I declare under penalty of perjury that the foregoing is true and correct." Executed in _____ County, State
of _____, on _____
(Date)

State of Texas	_____
District Clerk	_____
I certify that the foregoing, consisting of <u>2</u> pages, is a true, correct and complete copy of the instrument of record in my possession. This <u>11</u> day of <u>September</u> 20 <u>15</u> .	
SHARON GILLILAND, DISTRICT CLERK	
By: _____	Deputy

CITATION - CIVIL

Cause No.: CV15-1006

**415th District Court
Parker County, Texas
117 Fort Worth Highway
Weatherford, Texas 76086**

THE STATE OF TEXAS

August 19, 2015

Zoellner Construction Co., Inc.
Reg Agent, Steven P. Zoellner
875 PCR 500
Perryville, Mo 63775

NOTICE: YOU HAVE BEEN SUED. YOU MAY EMPLOY AN ATTORNEY. IF YOU OR YOUR ATTORNEY DO NOT FILE A WRITTEN ANSWER WITH THE CLERK WHO ISSUED THIS CITATION BY 10:00 A.M. ON THE MONDAY NEXT FOLLOWING THE EXPIRATION OF TWENTY (20) DAYS AFTER YOU WERE SERVED THIS CITATION AND PLAINTIFF'S ORIGINAL PETITION, A DEFAULT JUDGMENT MAY BE TAKEN AGAINST YOU.

The suit is numbered CV15-1006 and was filed in the 415th District Court in and for Parker County on August 19, 2015, and styled:

Patricia Sewell vs. Tharon Douglas Cowell and Zoellner Construction Co., Inc.

Parties to the Suit:

Plaintiff(s): **Patricia Sewell**
Defendant(s): **Zoellner Construction Co., Inc.; Tharon Douglas Cowell**

The nature of the suit is shown in the copy of the attached petition.

ISSUED under my hand and seal in Weatherford, Parker County, Texas on this 19th day of August, 2015.



SHARENA GILLILAND
District Clerk
Parker County, Texas

Signed: 8/20/15 4:47:22 PM

By: Natalie Matthews
Deputy

Plaintiff(s) Attorney
Douglas R Hafer
101 East Park Row
Arlington Tx 76010
817-548-1000

CITATION - CIVIL

Filed: 8/31/2015 2:37:26 PM
Sharena Gilliland
District Clerk
Parker County, Texas
Jason Nowak

Cause No.: CV15-1006

**415th District Court
Parker County, Texas
117 Fort Worth Highway
Weatherford, Texas 76086**

THE STATE OF TEXAS

August 19, 2015

Tharon Douglas Cowell
HCR 64 Box 505
Grassy, Mo 63753

NOTICE: YOU HAVE BEEN SUED. YOU MAY EMPLOY AN ATTORNEY. IF YOU OR YOUR ATTORNEY DO NOT FILE A WRITTEN ANSWER WITH THE CLERK WHO ISSUED THIS CITATION BY 10:00 A.M. ON THE MONDAY NEXT FOLLOWING THE EXPIRATION OF TWENTY (20) DAYS AFTER YOU WERE SERVED THIS CITATION AND PLAINTIFF'S ORIGINAL PETITION, A DEFAULT JUDGMENT MAY BE TAKEN AGAINST YOU.

The suit is numbered CV15-1006 and was filed in the 415th District Court in and for Parker County on August 19, 2015, and styled:

Patricia Sewell vs. Tharon Douglas Cowell and Zoellner Construction Co., Inc.

Parties to the Suit:

Plaintiff(s): **Patricia Sewell**

Defendant(s): **Zoellner Construction Co., Inc.; Tharon Douglas Cowell**

The nature of the suit is shown in the copy of the attached petition.

ISSUED under my hand and seal in Weatherford, Parker County, Texas on this 19th day of August, 2015.



SHARENA GILLILAND
District Clerk
Parker County, Texas

Signec By 8/20 5:49:33 PM

By: Natalie Matthews
Deputy

Plaintiff(s) Attorney
Douglas R Hafer
101 East Park Row
Arlington Tx 76010
817-548-1000

CITATION - CIVIL

RETURN OF SERVICE

Return to: Parker County District Clerk, 117 Fort Worth Highway, Weatherford, TX 76086

Cause No.: CV15-1006

415th District Court
Parker County, Texas

Patricia Sewell vs. Tharon Douglas Cowell and Zoellner Construction Co., Inc.

Came to hand on the 20th day of AUG., 2015 at 1 o'clock P.M. and executed on the 25th day of AUG., 2015, at 1:15 o'clock P.M. by delivering a true copy of this citation with a copy of the petition attached thereto to defendant THARON D. COWELL (name), in person, at HR 64, Box 506 Grass, #16 (address) in BOLINGER County, Texas 2

[] Not executed. The diligence used in finding defendant being: MISSOURI

[] Information received as to the whereabouts of defendant being: _____

Sheriff/Constable/Clerk_____
County

*** OR ***

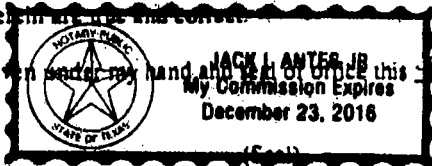
Deputy_____
S_____
FeesC.J. Fiore
Printed Name of Authorized Person[Signature]
Signature of Authorized PersonSC#468
Certified Process Server ID No.7-31-17
Expiration Date

The following to be completed by Authorized Person other than Sheriff, Constable or Clerk. Tex. R. Civ. P. 107(e).

State of TEXASCounty of TARRANT

Before me JR Antevy, the undersigned notary public on this day personally appeared C.J. Fiore whose name is subscribed in the above and foregoing Return of Service and stated and acknowledged to me the facts stated therein are true and correct.

Given under my hand and seal of office this 31st day of AUG., 2015



*** OR ***

"My name is CHARLES J. FIORE

(First)

(Middle)

(Last)

my date of birth is 10/12/63

(Month) (Day) (Year)

and my address is 3800 W. Pioneer Pkwy #6

(Street)

(City)

(State)

(Zip)


(Country)

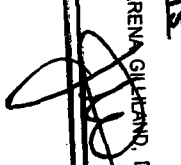
I declare under penalty of perjury that the foregoing is true and correct." Executed in TARRANT County, Stateof TXon 8-31-15

(Date)

[Signature]
Declarant

EXHIBIT A - Page 44

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<p>■ Complete items 1, 2, and 3.</p> <p>■ Print your name and address on the reverse so that we can return the card to you.</p> <p>■ Attach this card to the back of the mailpiece, or on the front if space permits.</p>		<p>A. Signature  <input type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee</p>	
<p>1. Article Addressed to:</p> <p><i>SHARON D. COWELL</i> <i>HCR 64, Box 505</i> <i>BRASSY, MO 63958</i></p>		<p>B. Received by (Printed Name)</p> <p>C. Date of Delivery <i>8/25/15</i></p>	
<p>2. Article Number (Transfer from service label)</p> <p><i>4 0510 0002 1901 4050</i></p>		<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes if YES, enter delivery address below: <input checked="" type="checkbox"/> No</p>	
<p>3. Service Type</p> <p><input checked="" type="checkbox"/> Adult Signature <input type="checkbox"/> Adult Signature Restricted Delivery <input checked="" type="checkbox"/> Certified Mail® <input type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Collect on Delivery Restricted Delivery <input type="checkbox"/> Insured Mail <input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)</p>		<p><input type="checkbox"/> Priority Mail Express® <input type="checkbox"/> Registered Mail™ <input type="checkbox"/> Registered Mail Restricted Delivery <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Signature Confirmation™ <input type="checkbox"/> Signature Confirmation Restricted Delivery</p>	
<p>Form 3811, April 2015 PSN 7530-02-000-9053</p>		<p>Domestic Return Receipt</p>	

<p>State of Texas } County of Parker }</p> <p>I certify that the foregoing, consisting of <u>3</u> pages, is a true, correct and complete copy of the instrument of record in my possession. This <u>11</u> day of <u>September</u> 20 <u>15</u>.</p> <p>SHARON D. COWELL, DISTRICT CLERK</p> <p>By:  Deputy</p>

Cause No.: CV15-1006

**415th District Court
Parker County, Texas
117 Fort Worth Highway
Weatherford, Texas 76086**

THE STATE OF TEXAS

August 19, 2015

Zoellner Construction Co., Inc.
Reg Agent, Steven P. Zoellner
875 PCR 500
Perryville, Mo 63775

NOTICE: YOU HAVE BEEN SUED. YOU MAY EMPLOY AN ATTORNEY. IF YOU OR YOUR ATTORNEY DO NOT FILE A WRITTEN ANSWER WITH THE CLERK WHO ISSUED THIS CITATION BY 10:00 A.M. ON THE MONDAY NEXT FOLLOWING THE EXPIRATION OF TWENTY (20) DAYS AFTER YOU WERE SERVED THIS CITATION AND PLAINTIFF'S ORIGINAL PETITION, A DEFAULT JUDGMENT MAY BE TAKEN AGAINST YOU.

The suit is numbered CV15-1006 and was filed in the 415th District Court in and for Parker County on August 19, 2015, and styled:

Patricia Sewell vs. Tharon Douglas Cowell and Zoellner Construction Co., Inc.

Parties to the Suit:

Plaintiff(s): **Patricia Sewell**
Defendant(s): **Zoellner Construction Co., Inc.; Tharon Douglas Cowell**

The nature of the suit is shown in the copy of the attached petition.

ISSUED under my hand and seal in Weatherford, Parker County, Texas on this 19th day of August, 2015.



SHARENA GILLILAND
District Clerk
Parker County, Texas

Sign: 8/20 5:47:2 PM

By: Natalie Matthews
Deputy

Plaintiff(s) Attorney
Douglas R Hafer
101 East Park Row
Arlington Tx 76010
817-548-1000

CITATION - CIVIL

RETURN OF SERVICE

Return to: Parker County District Clerk, 117 Fort Worth Highway, Weatherford, TX 76086

Cause No. CV15-1006

415th District Court
Parker County, Texas

Patricia Sewell vs. Sharon Douglas Cowell and Zoellner Construction Co., Inc.

Came to hand on the 20th day of AUG, 2015 at 1 o'clock P.M. and executed on the 28th day of AUG, 2015 at 1 o'clock P.M. by delivering a true copy of this citation with a copy of the petition attached thereto to defendant ZOELLNER CONSTRUCTION CO., INC. BY DEWIDY (name), in person, at 875 RR 500, STEVENSON, TEXAS (address) in BARRETT County, Texas. RECEIVED

☐ Not executed. The diligence used in finding defendant being: _____

☐ Information received as to the whereabouts of defendant being: _____

Sheriff/Constable/Clerk

County

Deputy

S

Fees

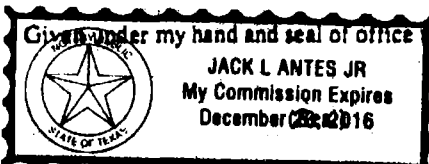
C.O. FLORES
Printed Name of Authorized PersonSignature of Authorized Person
SCH # 968Certified Process Server ID No.
7-31-17

Expiration Date

The following to be completed by Authorized Person other than Sheriff, Constable or Clerk. Tex. R. Civ. P. 107(e).

State of TEXASCounty of TARRANT

Before me JACK L. ANTES JR., the undersigned notary public on this day personally appeared C.O. FLORES whose name is subscribed in the above and foregoing Return of Service and stated and acknowledged to me the facts stated therein are true and correct.

Given under my hand and seal of office this 30th day of SEPT, 2015

Notary Public

"My name is CHARL J. FLORES, my date of birth is 10/12/63

(First) (Middle) (Last) (Month) (Day) (Year)

and my address is 3600 W PIONEER PKWY #6 ALBUQUERQUE NM 87603

(Street) (City) (State) (Zip) (County)

I declare under penalty of perjury that the foregoing is true and correct." Executed in TARRANT County, State of TX, on 9-3-15

(Date)

Declarant

SWORN AND SUBSCRIBED BEFORE
ME ON THE 15th DAY OF SEPT 2015

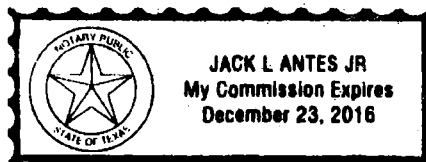



EXHIBIT A - Page 47

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<p>■ Complete items 1, 2, and 3.</p> <p>■ Print your name and address on the reverse so that we can return the card to you.</p> <p>■ Attach this card to the back of the mailpiece, or on the front if space permits.</p>		<p>A. Signature <input checked="" type="checkbox"/> <i>[Signature]</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p>	
<p>1. Article Addressed to:</p> <p><i>FORUMER CONSUMER</i> <i>ATTN: S. ZOELLNER</i> <i>875 PCR 500</i> <i>PERRYVILLE MO 63775</i></p>		<p>B. Received by (Printed Name) <i>LORE SWIFT</i></p> <p>C. Date of Delivery <i>8-28</i></p>	
<p>2. Article Number (Transfer from service label)  9590 9403 0166 5120 3795 57</p>		<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>	
<p>3. Service Type <input type="checkbox"/> Adult Signature <input type="checkbox"/> Adult Signature Restricted Delivery <input checked="" type="checkbox"/> Certified Mail® <input type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Collect on Delivery Restricted Delivery <input type="checkbox"/> Insured Mail <input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)</p>		<p><input type="checkbox"/> Priority Mail Express® <input type="checkbox"/> Registered Mail™ <input type="checkbox"/> Registered Mail Restricted Delivery <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Signature Confirmation™ <input type="checkbox"/> Signature Confirmation Restricted Delivery</p>	
<p>PS Form 3811, April 2015 PSN 7530-02-000-9053</p>		<p>Domestic Return Receipt</p>	

I certify that the foregoing, consisting of 3 pages, is a true, correct and complete copy of the instrument of record in my possession. This 11 day of September 20 15.

State of Texas
 County of Parker }

SHARENA *[Signature]* DISTRICT CLERK

By: _____ Deputy

CAUSE NO. CV15-1006

PATRICIA SEWELL,
PLAINTIFF,

VS.

THARON DOUGLAS COWELL AND
ZOELLNER CONSTRUCTION CO.,
INC.

DEFENDANTS.

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IN THE DISTRICT COURT

415TH JUDICIAL DISTRICT

PARKER COUNTY, TEXAS

**DEFENDANTS THARON DOUGLAS COWELL
AND ZOELLNER CONSTRUCTION CO., INC.'S
ORIGINAL ANSWER**

TO THE HONORABLE JUDGE OF SAID COURT:

Come now Tharon Douglas Cowell and Zoellner Construction Co., Inc., Defendants in the above entitled and numbered cause, and in reply to Plaintiff's Original Petition respectfully show the Court as follows:

1.

Defendants Tharon Douglas Cowell and Zoellner Construction Co., Inc., deny generally the material allegations contained in Plaintiff's Original Petition, demand proof thereof by a preponderance of the evidence, and of this general denial pray judgment of the Court.

2.

Defendants Tharon Douglas Cowell and Zoellner Construction Co., Inc. demand a jury trial.

3.

Defendants invoke Chapter 33 of the Civil Practice and Remedies Code of the State of Texas, and would respectfully show that if there be any negligence on the part of this Defendants, which is not admitted but is expressly denied, the Defendants states that on the occasion in question, the Plaintiff failed to exercise ordinary care for Plaintiff's own safety, and such failure constitutes negligence which was a proximate, producing, contributing, or sole proximate cause of

Section 41.0105 of the Texas Civil Practice & Remedies Code; thus, recovery of medical and/or health care expenses by those suing is limited to the amount actually paid or incurred by or on behalf of those suing.

9.

Defendants would show that Plaintiff failed to mitigate her damages. Accordingly, Defendants are entitled to an instruction to the jury that there are not to consider elements of damages incurred and caused by Plaintiff's failure to mitigate her damages.

10.

Defendants would further show, by way of affirmative defense and without waiver of the foregoing that some or all of the problems Plaintiff complains of were caused by accidents, problems and/or medical conditions which pre-existed the date of the incident in question, and/or which occurred following the date of the incident in question, including but not limited to the accident Plaintiff had with Defendants.

11.

NOTICE OF INTENT TO USE PLAINTIFF'S DOCUMENTS

Defendants hereby give notice of their intention to use at trial or any hearing any document produced by Plaintiff in response to written discovery.

WHEREFORE, PREMISES CONSIDERED, Defendants Tharon Douglas Cowell and Zoellner Construction Co., Inc. pray that upon final hearing judgment be entered that Plaintiff Patricia Sewell take nothing and that Defendants Tharon Douglas Cowell and Zoellner Construction Co., Inc. be discharged with their costs and that they have such other and further relief to which they may be justly entitled.

Filed: 9/10/2015 9:00:30 AM
Sharena Gilliland
District Clerk
Parker County, Texas
Linda Padilla

CAUSE NO. CV15-1006

**PATRICIA SEWELL,
PLAINTIFF,**

VS.

**THARON DOUGLAS COWELL AND
ZOELLNER CONSTRUCTION CO.,
INC.**

DEFENDANTS.

§ **IN THE DISTRICT COURT**
§
§
§ **415TH JUDICIAL DISTRICT**
§
§
§
§ **PARKER COUNTY, TEXAS**

**DEFENDANTS THARON DOUGLAS COWELL
AND ZOELLNER CONSTRUCTION CO., INC.'S JURY DEMAND**

TO THE HONORABLE JUDGE OF SAID COURT:

Pursuant to Rule 216 of the Texas Rules of Civil Procedure, Defendants Tharon Douglas Cowell and Zoellner Construction Co., Inc. respectfully request this case be tried to a jury, and states the proper fee has been forwarded as required.

Respectfully Submitted,

DAVID KLOSTERBOER & ASSOCIATES



DANA L. RYAN
Texas Bar No. 08257700
1301 E. Collins Blvd., Suite 490
Richardson, Texas 75081
Direct Telephone: 214-570-6055
Main Telephone: 214-570-6300
Direct Facsimile: Direct Fax 855-748-3821
E-Mail: dryan2@travelers.com

ATTORNEYS FOR DEFENDANTS
THARON DOUGLAS COWELL AND
ZOELLNER CONSTRUCTION CO., INC.



Parker County
Sharena Gilliland
District Clerk
117 Fort Worth Highway
Weatherford, TX 76086

Payor
David Klosterboer & Associates

Receipt No.
2015-05865

Transaction Date
09/11/2015

Description		Amount Paid
Miscellaneous Payment		
	Certified Copies	58.00
	Copies	58.00
	SUBTOTAL	58.00
PAYMENT TOTAL		58.00
	Check (Ref #913A0000121175) Tendered	58.00
	Total Tendered	58.00
	Change	0.00
09/11/2015 10:14 AM	Cashier Station JASON	Audit 2434287

OFFICIAL RECEIPT